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2 710 George Washington Way Suite F
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4 (509) 943-2585

5 **UNITED STATES DISTRICT COURT**

6 **IN AND FOR THE EASTERN DISTRICT OF WASHINGTON**

7 UNITED STEELWORKERS
8 LOCAL 12-369, STEPHANIE
9 B.GREEN, DAVID ROBERTS,

10 Plaintiffs

11 VS.

12 UNITED STEELWORKERS
13 INTERNATIONAL

14 Defendants.

NO. CV-07-5053-RHW

COMPLAINT

15
16 For cause of action against the defendant, plaintiffs state as follows:

17 **JURISDICTION AND VENUE**

18
19 1. This Court has jurisdiction over the subject matter of this
20 complaint pursuant to 28 U.S.C. §§451, 1331, 1343 and 1367. This action is
21 authorized and instituted pursuant to 29 U.S.C. §464.

22
23 2. Venue is proper before this Court pursuant to 28 U.S.C. § 1391, as
24 all practices and actions alleged herein occurred within the jurisdiction of the
25 United States District Court Eastern District of Washington.

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PARTIES

3. Plaintiff United Steelworkers Local 12-369 is a subordinate body of the defendant with its principal offices located in Richland, Benton County, Washington.

4. Plaintiff Stephanie Green is the duly elected President of United Steelworkers Local 12-369. President Green is African American and female.

5. Plaintiff David Roberts is the duly elected Financial Secretary of United Steelworkers Local 12-369.

6. At all relevant times to the allegations herein, Defendant is a Labor Organization duly organized under the laws of the United States, doing business in the State of Washington.

DEFENDANTS' WRONGFUL CONDUCT

7. President Green and Financial Secretary Roberts were elected to their offices in November 2005. The former administration initially refused to install the newly elected officers. They were installed in April 2006 after complaint to the Department of Labor and an appeal to the International.

8. President Green filed an internal Human Rights Committee complaint with the Defendant on or about August 2006.

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1 9. The Defendant has to date failed to investigate or otherwise take
2 action related to President Green's Human Rights complaint.
3

4 10. In December, 2006 several members (Margie Myers, Kirk
5 Domina, Kelly Harding, Pat Hamilton, Jim Orosco, Kelly Schmidt, Karen
6 Alexander, Cherrie Miller, and Syd Hall) filed charges against President Green
7 and Financial Secretary Roberts. A commission hearing was held in February,
8 2007. The verbal report of Brother Tom Maki indicated that the charges were
9 unsubstantiated, and that his report would be provided in two weeks to
10 International President Gerard.
11
12

13
14 11. Several requests have been made by the Local for the report,
15 through President Green and Financial Secretary Roberts.
16

17 12. To date, neither the accused nor the Local 12-369 have received
18 the commission report.
19

20 13. Under the Local's By-Laws, charges may be brought against
21 Myers, Domina, Harding, Hamilton, Orosco, Schmidt, Alexander, Miller and
22 Hall for filing frivolous and invalid charges.
23

24 14. The International's refusal to provide the report has thwarted the
25 Local's ability to process charges under its bylaws.

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1 15. The International has refused to follow proper procedure related to
2 a petition from the Medco Spokane Group to break off from Local 12-369.
3
4 President Green was not provided notice of the petition. President Green was
5 improperly excluded from a Spokane Branch meeting.
6

7 16. Specific members of the Local Executive Board and the
8 International initially refused to recognize President Green's signature
9 authority. This refusal was communicated to the employer, Fluor, and
10 HAMTC.
11

12 17. President Green filed three charges with the EEOC. The EEOC
13 issued a for-cause finding in one of President Green's charges. President Green
14 requested her right to sue letters, which were issued August 13, 2007.
15
16

17 18. On or about August 9, 2007 the membership of Local 12-369 met.
18 During that meeting a motion was made to retain counsel to investigate the
19 recent acts and omissions of the International Union and select members of the
20 Executive Board of the Local, and to identify legal rights and obligations, and
21 to possibly bring legal action against the same.
22
23

24 19. It was discussed that funds in the amount of \$10,000.00 had
25 already been allocated to legal work and a new motion authorizing expenditure
of funds on this legal matter was not necessary at this time.

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1 20. A committee was authorized to retain an attorney to conduct the
2 investigation and, if warranted, bring legal action. Several members of the
3 Executive Board who were going to be the subject of the investigation and
4 legal action were present at the August 9, 2007 meeting.
5

6 21. On or about August 20, 2007 Defendant delivered letters dated
7 August 13, 2007 to President Green and Financial Secretary Roberts,
8 announcing establishment of an Administratorship over Local 12-369, and
9 appointing Jim Woodward as Administrator.
10

11 22. The August 13, 2007 letter provides the following as the basis for
12 establishment of the Administratorship: "This action is being taken, in the best
13 interest of the USW, because there is reason to believe that it is necessary to
14 assure the performance of the collective bargaining agreement and other duties
15 of a bargaining representative and to otherwise carry out the legitimate objects
16 of the International Union and the Local Union to restore democratic
17 procedures."
18

19 23. The August 13, 2007 letter provides that the Administratorship is
20 being implemented, "Pursuant to Article IX of the International Constitution."
21

22 24. Article IX, Section 1 sets for the proper procedure which must be
23 followed to appoint an Administrator. Such action can only be taken "with
24 COMPLAINT
25

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1 due notice of the basis therefore and of a hearing before any member or
2 members of the International Executive Board...designated by the
3 International President. **The Local Union shall be afforded a full and fair**
4 **hearing.**" (International Constitution, Article IX, Section 1, Lines 4- 16
5 (emphasis added). The Constitution goes on to provide, "Upon the basis of
6 the hearing the International Executive Board is authorized to render a
7 decision, dismissing the proceedings, suspending or revoking the charter of
8 any such Local Union, or direct such other action as may be necessary to
9 secure compliance with the Constitution." (Supra, at 49, L 16 – 21)
10
11
12
13

14 25. Defendant did not hold a fair hearing prior to establishing the
15 Administratorship.
16

17 26. The Defendant did not provide a factual basis for the
18 establishment of the Administratorship.
19

20 27. Since the delivery of the August 13, 2007 letter the Defendant has
21 taken control of all union documents and records, and has excluded President
22 Green and Financial Secretary Roberts from the Union offices.
23
24
25

1 28. On or about August 21, 2007 Defendant, by and through Jim
2 Woodward, took control over the Local's bank account, removing the existing
3 officers' signature authority and obtaining new signature cards.
4

5 29. On or about August 23, 2007 Defendant changed the locks on the
6 local Union offices.
7

8 30. An effect of the illegally imposed Administratorship is to deprive
9 the Local Union of its right to investigate and bring action, if warranted,
10 against the International Union and individual members of the Local Executive
11 Board.
12

13 31. The invalid Administratorship has already begun to overturn
14 decisions that were properly voted on by the membership.
15

16 32. The Local is suffering irreparable harm as a result of the
17 imposition of the invalid Administratorship. Also, serious questions are raised
18 regarding the Administratorship and a balancing of the hardships between the
19 parties tips in favor of the Local.
20
21

22
23 **CAUSES OF ACTION**

24 20. Defendant's conduct violates 29 U.S.C. § 462 et seq.

25 21. Defendant's conduct violates Article IX of their Constitution.

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RELIEF REQUESTED

WHEREFORE, plaintiffs request the following relief:

1. That the Administratorship be declared invalid;
2. Defendant be enjoined from proceeding with the unlawful Administratorship, and ordered to return control of all Local property and affairs to the duly elected officers;
3. Plaintiffs be awarded judgment for all damages in an amount to be established at trial,
4. That plaintiffs be awarded their costs and attorneys' fees as authorized by law.
5. That plaintiffs be awarded such other and further relief as the Court may deem just and proper.

DATED THIS 27TH day of August, 2007.

____s/ JANET E. TAYLOR_____
JANET E. TAYLOR, WSBA #30046
Attorney for Plaintiffs